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EXAMINER
TIV, BACKHEAN

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/008,423	FERLITSCH, ANDREW R.
	Examiner	Art Unit	
	Backhean Tiv	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _8/31/07_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _12-17,20,21,24-29 and 33-49_ is/are pending in the application.

     4a) Of the above claim(s) _1-11,18,19,22,23 and 30-32_ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _12-17,20,21,24-29 and 33-49_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Detailed Action

Claims 12-17, 20-21, 24-29, 33-49 are pending in this application. Claims 1-11,

18-19, 22-23, 30-32 have been cancelled. This is a response to the amendment filed

on 8/31/07. This action is made **FINAL**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

Claims 12-17, 20-21, 24-29, 33,35-49 are rejected under 35 U.S.C. 103(a) as

being unpatentable over US Patent 6,498,656 issued to Mastie in view of US

Publication 2002/0001495 issued to Mochizuki.

As per claims 12, 28,40, Mastie teaches a system that includes client computer

devices connected to a printing device via a network, a method for managing a print job

without use of a print server(Abstract), the method comprising:

a network(Abstract, Fig.5, col.1, lines 38-65);

a printing device connected to the network(Abstract, Fig.5, col.1, lines 38-65);

a local print queue local to the individual client computer device corresponding to the printing device and containing print jobs generated by the individual client computer device(Abstract, Fig.5, col.1, lines 38-65);

initiating a print job at a first client computer device, wherein the first client computer device is one of the client computer devices connected to the printing device via the network, and wherein no print server is connected to the network(Abstract, Fig.5, col.1, lines 38-65);

distributively managing the print job and a prioritization of the print job until print of the first client computer device sends the print job to the printing device, wherein the distributively managing the print job and a prioritization of the print job(col.2, lines 34-65);

and sending the print job from the first client computer device to the printing device after an event(col.2, line 64-col.3, line 25) .

Mastie however does not explicitly teach broadcasting an intent to send the print job from the first client computer device to the printing device, wherein the intent is broadcast from the first client computer device to a plurality of the client computer devices connected to the printing device via the network without including the print job in the broadcast intent; determining whether a response is received by the first client computer device from one or more of the plurality of the client computer devices; receiving no response at the first client computer device; and receiving a response at the first client computer device from at least one of the plurality of the client computer devices, followed by receiving a permission to send the print job to the printing device at

the first client computer device from the at least one of the plurality of the client

computer devices; a response from a second client computer device indicating that the

second client computer device is managing sending of print jobs to the printing device,

wherein the response includes one of: an indication that the second client computer

device has no objection to the first client computer device sending the first print job to

the printing device; an objection to and denial of the immediate sending of the first print

job to the printing device by the first client computer device; and an indication that a

conflict must be resolved in order to permit the first client computer device to send the

first print job to the printing device..

Mochizuki teaches broadcasting an intent to send the print job from the first client

computer device to the printing device, wherein the intent is broadcast from the first

client computer device to a plurality of the client computer devices connected to the

printing device via the network without including the print job in the broadcast

intent(para 0041, broadcast or mulicast printer retrieval packet to retrieval an active

printer from the network);

determining whether a response is received by the first client computer device

from one or more of the plurality of the client computer devices(para.0043);

receiving no response at the first client computer device(para.0043); and

receiving a response at the first client computer device from at least one of the plurality

of the client computer devices, followed by receiving a permission to send the print job

to the printing device at the first client computer device from the at least one of the

plurality of the client computer devices(para.0043).

a response from a second client computer device indicating that the second

client computer device is managing sending of print jobs to the printing device, wherein

the response includes one of: an indication that the second client computer device has

no objection to the first client computer device sending the first print job to the printing

device; an objection to and denial of the immediate sending of the first print job to the

printing device by the first client computer device; and an indication that a conflict must

be resolved in order to permit the first client computer device to send the first print job to

the printing device(para0041-0043)

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Mastie to explicitly broadcast an intent to other

network devices and to receive responses from those network devices as taught by

Morchizuki in order to provide a system to select an available printer on the network for

a print job(Mochizuki, para.0002,0006).

One ordinary skill in the art at the time of the invention would have been

motivated to combine the teachings of Mastie and Mochizuki in order to provide a

system to effectively manage and operate print requests(Mochizuki, para.0006).

As per claim 13, wherein the step for initiating includes the step for determining

whether to perform cluster printing, and wherein if the cluster printing is to be

performed, utilizing the printing device in performing the cluster printing (Mastie, fig. 3,

Mochizuki, para 000043). Motivation set forth in claim 12.

As per claim 14, wherein the step for initiating includes the step for determining

whether to perform intelligent routing, and wherein if the intelligent routing is to be

performed, utilizing the printing device in performing the intelligent routing (Mastie, fig.

3, Mochizuki, para 000043). Motivation set forth in claim 12.

As per claim 15, wherein the step for receiving includes the step for determining

whether the first response includes a conflict for despooling the print data to the printing

device, and wherein if the conflict is included in the first response, performing the step

for resolving the conflict (Mastie, col. 7 L47 to col. 8 L6 and fig. 3, Mochizuki, para

000043). Motivation set forth in claim 12.

As per claim 16, a system for determining whether the first response includes an

objection to despooling the print data to the printing device, and wherein if the objection

is included in the first response, performing the step for resolving the objection (Mastie,

col. 7 L47 to col. 8 L6 and fig. 3, Mochizuki, para 000043). Motivation set forth in claim

12.

As per claim 17, wherein distributively managing the print job comprises: if no

response to the broadcast is received, using the first client computer device to manage

the print job (Mastie, col. 7 L47 to col. 8 L6 and fig. 3, Mochizuki, para 000043).

Motivation set forth in claim 12.

As per claims 20, a method as recited in claim 12, wherein the print job is a first

print job, and wherein said distributively managing the print job further comprises:

utilizing a second broadcast of an intent to send a second print job to the printing device

to determine which of the client computer devices shall be used to manage the second

print job; and ordering the print jobs on a print queue containing information about the

first and second print jobs but not the first and second print iobs themselves(Mastie

col.7, lines 47-col.8, lines 6, Mochizuki, para.0040-0042.

Therefore it would have been obvious to one ordinary skill in the art to send

multiple broadcast intent in order to provide a system to print more than document.

One ordinary skill in the art at the time of the invention would have been

motivated to combine the teachings of Mastie and Mochizuki in order to provide a

system to print multiple documents.

As per claim 21, the system wherein distributivly managing the print job is

enabled by at least one of a print driver; a print assistant and the spooler (Mastie, fig. 1-

2c and col. 1 L23 to col. 2 L33, Mochizuki, para 000043). Motivation set forth in claim

12.

As per claim 24, wherein said sending the first print job from the first client

computer device to the printing device further includes setting a status of the print job on

the print queue(Mastie, Fig.3, col.7, lines 47-60, Mochizuki, para.006-0014). Motivation

set forth in claim 12.

As per claim 25, wherein data said sending the first print job from the first client

computer device to the printing device further includes removing a remote entry of the

first print job from a remote   print queue containing a copy of said information about the

first and second print jobs but not the first and second print jobs themselves(Mastie, col.

5 L22-67 and fig. 3, Mochizuki, para 000043). Motivation set forth in claim 12.

As per claim 26, wherein if the-print data corresponding to the print job is in a

printer ready format, the sending the first print job from the first client computer device

to the printing device further includes using a print processor of the first client computer device to send the print data to a port manager of the first client computer device(Mastie, col. 4 L1-21, Mochizuki, para 000043). Motivation set forth in claim 12.

As per claim 27, wherein if print data corresponding to the print job is in a journaled format, the step for sending the first print job from the first client computer device to the printing device further includes: using a print processor of the first client computer device to play back the journaled data to a printer driver of the first client computer device; spooling the print data to a spooler of the first client computer device; and sending the print data to a port manager of the first client computer device(Mastie, col. 3 L61 to col. 4 L67, Mochizuki, para 000043). Motivation set forth in claim 12.

As per claim 29,41,42,43 wherein said distributively managing the print job further comprises: when a response to the broadcast intent is received by the first client computer performing the steps of: determining whether the response includes a conflict from the one or more of the plurality of client computer devices to print data send the print job to the printing device, wherein if the conflict is included in the response, resolving the conflict(Mastie, col. 7 L47 to col. 8 L6 and fig. 3); and determining whether the response includes an objection from the one or more of the plurality of client computer devices to send the print job to the printing device, wherein if the objection is included in the response, resolving the objection(Mastie, col. 7 L47 to col. 8 L6 and fig. 3); and if no response to the broadcast intent is received, using the first client computer device to manage the print job(Mastie, col. 7 L47 to col. 8 L6 and fig. 3, Mochizuki, para 000043). Motivation set forth in claim 12.

As per claim 33, whereina broadcast message is used to perform at least one of: registering one of the plurality of client computer devices for distributed management of print jobs; indicating an intent to despool the print job; setting a status of a despooled print job; obtaining a status of a despooled print job; setting a status of the printing device; obtaining a status of the printing device; requesting print queue information; and requesting a print queue change(Mastie, col. 7 L47-60, Mochizuki, para.006-0014). Motivation set forth in claim 12.

As per claim 35, wherein a broadcast is used to indicate an intent to despool the print job(Matie, col.5, lines 45-61, Mochizuki, para.006-0014). Motivation set forth in claim 12.

As per claim 36, wherein a broadcast is used to set or check a status of a despooled print job(Mastie, col. 7 L47-60, Mochizuki, para.006-0014). Motivation set forth in claim 12.

As per claim 37, wherein a broadcast is used to set or get a status of the printing device(Mastie, col. 7 L47-60, Mochizuki, para.006-0014). Motivation set forth in claim 12.

As per claim 38,47 wherein a broadcast is used to request print queue information(Mastie, Fig.3, col.7, lines 47-60, Mochizuki, para.006-0014). Motivation set forth in claim 12.

As per claim 39,48 wherein a broadcast is used to request a print queue change(Mastie, col. 7 L47-60, Mochizuki, para.006-0014). Motivation set forth in claim 12.

As per claim 44, wherein the local print queue of a managing client computer device contains entries corresponding to, but not containing, print jobs of other client computer devices(Mochizuki, para. 0041-42). Motivation set forth in claim 12.

As per claim 45, wherein the local print queue of the second client computer device includes an entry for a second print job to be printed on the printing device and the second client computer device is configured to manage the printing of the first and second print jobs by: evaluating what type of response should be sent to the broadcast intent for the first print job; and sending a response to the first client computer device, the response selected from the group of: an indication of no objection when the second print job is of a lower priority than the first print job; an objection and denial when the second print job is of a higher priority than the first print job; an objection and denial when the second print job is currently being sent to the printing device; and an indication of a conflict when the second print job and the first print job have equal priority(Mastie, col. 7 L47 to col. 8 L6 and fig. 3, Mochizuki, para 000043). Motivation set forth in claim 12.

As per claim 46, wherein the first client computer device is configured to send the first print job to the printing device when no response to the broadcast intent is received, when a response indicating no objection is received, when a response indicating an objection is received and the objection is resolved, and when a response indicating a conflict is received and the conflict is resolved((Mochizuki, para. 0041-42). Motivation set forth in claim 12.

As per claim 49, wherein the system for distributively managing the sending of

print jobs further comprises a broadcast message requesting administrative

authority(Mochizuki, para. 0041-42). Motivation set forth in claim 12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

Claim 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent 6,498,656 issued to Mastie in view of US Publication 2002/0001495 issued to

Mochizuki in further view of US Publication 2003/0160993 issued to Kang.

As per claim 34, Mastie in view of Mochizuki does not disclose the process

wherein the broadcast message is used to register a client computer device for

distributed management of print jobs.

Kang, from the same field of endeavor discloses the process of registering a

client device for distributed management of print jobs (pg. 3 [0034] and fig. 2).

Therefore it would have been obvious to a person of ordinary skilled in the art at

the time the invention was made to modify Mastie in view Mochizuki in futher view of

Kang in order to register client computer devices for distributed management of print

jobs.

One of ordinary skilled in the art would have been motivated because it would

have enabled management of the print queues (Kang, [0034]).

Response to Arguments

Applicant's arguments, page. 1-3 of the Remarks, regarding 112 2nd rejection is

persuasive; the Office withdraws the 112 2nd rejection.

Applicant's arguments, regarding the rejection under 35 U.S.C 103(a), filed

8/31/07 have been fully considered but they are not persuasive. The applicant argues

in substance:

a) Mastie in view of Mochizuki does not teach as per claim 12 and as per claim

40, "determining whether a response to the broadcast intent is received by the first

client computer device from one or more of the plurality of the client computer devices",

page 19 of the Remarks and does not teach "a second client computer device", page 20

of the Remarks;

b) Mastie in view of Mochizuki in further view of Kang does not teach as per

claim 34, "registering a client device for distributed management", page 21 of the

Remarks.

In reply to a); During patent examination, the pending claims must be "given

>their< broadest reasonable interpretation consistent with the specification." > In re

Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the

claims are interpreted in light of the specification, limitations from the specification are

not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed.

Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution,

and broad interpretation by the examiner reduces the possibility that the claim, once

issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393,

1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

The Office interprets "one or more of the plurality of the client computer devices"

and "second client computer device" as one of the printers on the network. The Office's

interpretation is consistent with the applicant's specification. On page, 10, lines 22-

page 11, line 2, *"For example, computer device 10 maybe a personal computer, a*

notebook computer, a PDA or other hand-held device, a workstation, a minicomputer, a

mainframe, a supercomputer, a multi-processor system, a network computer, a

processor-based consumer electronic device, or the like." It is well known in the art that

a printer is a processor-based consumer electronic device(see US Patent 5,797,061

issued to Overall et al., Fig.1, element 14). Mochizuki, para. 0008,00041, teaches a

host sends a retrieval request packet to all printers on the network; the printer that has

received the retrieval request packet from the host sends a retrieval response packet to

the host.

In reply to c); Mastie in view of Mochizuki teaches communication between

client devices for printing(Mastie, col. 7 L47 to col. 8 L6 and fig. 3, para.0043) . Kang,

para. 0034, teaches registering a server to manage a print queue. It would have been

obvious to one ordinary skill in the art at the time of the invention that the process of

registering to manage a print queue can be applied to the invention of communication

between client devices for printing as taught by Mastie in view of Mochizuki's.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the

references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in its entirety as potentially teaching of all or

part of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. See PTO-892.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571) 272-5654. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Backhean Tiv
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11/2/07